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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO

U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

vs.

CHILDREN'S HOSPITAL AND  
RESEARCH CENTER,

Defendant.

Case No.: CV 13-05715 EMC

**STIPULATION AND ~~PROPOSED~~  
ORDER FOR REFERRAL OF CASE TO  
PRIVATE MEDIATION UNDER ADR  
LOCAL RULE 3 AND FOR EXTENSION  
OF MEDIATION DEADLINE**

1.

**STIPULATION FOR PRIVATE ADR AND FOR EXTENSION OF MEDIATION  
DEADLINE AND [PROPOSED] ORDER /CASE NO.: CV 13-05715 EMC**

8/12/2014(29417)#574267.1

1 Whereas the Court previously ordered the parties to participate in Court-sponsored  
2 mediation to be completed by August 21, 2014; and

3 Whereas the parties have agreed to participate in mediation and have reviewed the  
4 Court's approved list of mediators (the "Mediators List"); and

5 Whereas, notwithstanding their mutual review of the Mediators List, the parties were  
6 able to only agree upon using one mediator, i.e. Michael Loeb of JAMS; and

7 Whereas, instead of using the Court-sponsored mediation program, the parties have  
8 agreed pursuant to ADR L.R. 3-2 to participate in private mediation using Mr. Loeb as their  
9 mediator; and

10 Whereas the respective schedules of Mr. Loeb, the parties' representatives who are  
11 expected to attend the mediation, and the parties' attorneys cannot accommodate a private  
12 mediation except on either September 17, 2014 or September 29, 2014.

13 Based on the foregoing, and subject to the Court's approval and entry of the proposed  
14 Order associated with this Stipulation, the parties hereby stipulate as follows:

15 1. Pursuant to ADR L.R. 3-2, the parties may participate in private mediation in lieu of  
16 Court-sponsored mediation;

17 2. Michael Loeb of JAMS shall be the parties' mediator;

18 3. The parties shall complete private mediation by September 30, 2014; and

19 4. In order to effectuate the parties' stipulation to use Mr. Loeb as the mediator, the  
20 parties respectfully request that the Court-imposed deadline by which the mediation must be  
21 completed be extended through and including September 30, 2014.

22 IT IS SO STIPULATED

23  
24 Dated: August 14, 2014

DONAHUE FITZGERALD LLP

25 By /s/ Sarah E. Robertson

26 Sarah E. Robertson  
27 Attorneys for Defendant  
CHILDREN'S HOSPITAL & RESEARCH  
28 CENTER OAKLAND

2.

1 Dated: August 14, 2014

U.S. EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

3 By /s/ Debra A. Smith

4 Debra A. Smith  
5 Attorneys for Plaintiff  
U.S. EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

7 **ORDER**

8 The above STIPULATION AND PROPOSED ORDER FOR REFERRAL OF CASE  
9 TO PRIVATE MEDIATION UNDER ADR LOCAL RULE 3 AND FOR EXTENSION OF  
10 MEDIATION DEADLINE is approved for this case. The parties are to complete Private  
11 Mediation by end of September 30, 2014.

12 IT IS SO ORDERED.

14 Dated: August 15, 2014



15 Judge Edward M. Chen  
16 U.S. District Court for the Northern District of California

**CERTIFICATE OF SERVICE - F.R.C.P. §5**

I, the undersigned, declare: I am employed in the County of Alameda, State of California. I am over the age of 18 and not a party to the within action. I am employed by Donahue Fitzgerald, located at 1999 Harrison Street, 25<sup>th</sup> Floor, Oakland, CA 94612. I am readily familiar with this firm's business practice of processing of documents for service.

On **August 14, 2014**, I served a true and correct copy of the following document(s):

- **STIPULATION AND [PROPOSED] ORDER FOR REFERRAL OF CASE TO PRIVATE MEDIATION UNDER ADR LOCAL RULE 3 AND FOR EXTENSION OF MEDIATION DEADLINE**

on all the following interested parties, by causing service by the method indicated below:

**WILLIAM R. TAMAYO, SBN 084965 (CA)**  
**MARCIA L. MITCHELL, SBN 18122 (WA)**  
**DEBRA A. SMITH, SBN 147863 (CA)**  
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*Attorneys for Plaintiff EEOC*

	U.S. Mail - By placing a copy of said document(s) in a sealed envelope with postage thereon fully prepaid, and depositing said envelope with the U.S. Postal Service, following this firm's business practices.
	Overnight Delivery - By placing a copy of said document(s) in a sealed pre-paid overnight envelope or package and depositing said envelope or package today in a box or other facility regularly maintained by the express service carrier, following this firm's business practices.
	Personal Service - By personally delivering said documents(s) in an envelope or package clearly labeled to identify the attorney/party located at the office(s) of the addressee(s) stated above.
<b>X</b>	Electronic Service - By electronically sending a copy of said document(s) to the attorney or party as stated above and as agreed upon, in writing, by the parties.

1 I declare under the penalty of perjury under laws of the State of California that the  
2 foregoing is true and correct. Executed on **August 14, 2014**, at Oakland, California.

3  
4 /s/ Katia Tsvetkova  
Katia Tsvetkova